

ORDER OF THE STATE COMMITTEE FOR SOCIAL WORKERS
REGARDING ISSUANCE OF A PROBATED
LICENSE TO DIANE ZUCH

Comes now the State Committee for Social Workers and hereby issues its ORDER granting a PROBATED license, License No 2004007803, to applicant, Diane Zuch. As set forth in § 620.149.2, RSMo 2000, the applicant may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the State Committee for Social Workers' decision to issue a probated license. Such written request must be submitted to the Administrative Hearing Commission within 30 days of the delivery or mailing by certified mail of this Order. The written request should be addressed to the Administrative Hearing Commission, Room 640, Truman State Office Building, P.O. Box 1557, Jefferson City, Missouri 65102-1557. If no written request for review is received by the Administrative Hearing Commission within the 30-day period, the right to seek review of the State Committee for Social Workers' decision is waived.

Based upon the foregoing, the State Committee for Social Workers hereby states:

1. The State Committee for Social Workers ("Committee") is an agency of the state of Missouri created and established by § 337.622, RSMo, for the purpose of administering and enforcing the provisions of Chapter 337, RSMo, relating to social workers.
2. On February 13, 2004, the Committee received an Application for Licensure by Reciprocity for licensure as a clinical social worker from Diane Zuch ("Zuch"). Zuch answered "Yes" on her application to the question, "Has your license or social work

privileges ever been revoked, restricted, or have you ever been the subject of disciplinary action by any licensing agency, institution or any other entity?"

3. On March 6, 2000, Zuch entered into a Stipulation and Order with the State Board of Social Work Examiners, State of Colorado, placing Zuch's Colorado license as a licensed clinical social worker, license No. 989638, on probation for a period of at least three years.

4 On September 5, 2000, Zuch entered into a Consent Agreement with the Behavioral Sciences Regulatory Board, State of Kansas, whereby Zuch's expired Kansas license as a licensed specialist clinical social worker was reinstated subject to a period of probation of 24 months. The Kansas discipline was based on the discipline imposed in Colorado.

5. The grounds for the discipline imposed in Colorado were as follows:

a. Zuch entered into a professional and therapeutic relationship with a client to provide the client with social work services, as defined in C.R.S. §§ 12-43-403.

b. During the course of the therapeutic relationship, Zuch had a social and non-therapeutic dual relationship with the client, in violation of C.R.S. § 12-43-222(1)(i).

c. During the course of the therapeutic relationship, Zuch acted or failed to act in a manner which does not meet generally accepted standards of social work practice, in violation of C.R.S. § 12-43-222(1)(g).

6. Zuch successfully completed the probationary period in Colorado and effective January 9, 2004, Zuch's license to practice clinical social work in Colorado was unencumbered and unrestricted.

7. Zuch's conduct as admitted in the Colorado Stipulation and Order violates 4 CSR 263-3.040, which states in relevant part:

(1) A licensed clinical social worker, . . . shall not enter into or continue a dual or multiple relationship, including social relationship, business relationship or sexual relationship, as defined by the committee, with a current client or with a person to whom the licensed clinical social worker, . . . has at anytime within the previous twenty-four (24) months rendered psychotherapy or other professional social work services for the treatment or amelioration of mental and emotional conditions.

8. 4 CSR 263-3.040 is an ethical standard and disciplinary rule promulgated by the Committee and adopted pursuant to §§ 337.600 to 337.639.

9. Zuch's conduct as admitted in the Colorado Stipulation and Order violates 4 CSR 263-3.020, which states in relevant part:

(2) A licensed clinical social worker, . . . shall not--

(A) Violate any ethical standard/disciplinary rule;

. . . .

10. Zuch's conduct as admitted in the Colorado Stipulation and Order constitutes unethical conduct and grounds for discipline in Missouri pursuant to 4 CSR 263-3.010 which states in relevant part: "(1) . . . The failure of a licensed clinical social worker, . . . to abide by any ethical standard/disciplinary rule in this chapter shall constitute unethical conduct and be grounds for disciplinary proceedings."

11. Zuch's conduct as admitted in the Colorado Stipulation and Order constitutes grounds for discipline in Missouri pursuant to § 337.630.2, which states in relevant parts:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.600 to 337.639 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

. . . .

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.600 to 337.639, or of any lawful rule or regulation adopted pursuant to sections 337.600 to 337.639;

. . . .

(15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers adopted by the committee by rule and filed with the secretary of state.

12. The Committee may deny Zuch's application for licensure pursuant to § 337.630, RSMo, which states in relevant parts:

1. The committee may refuse to issue or renew any license required by the provisions of sections 337.600 to

337.639 for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.600 to 337.639 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

....

(8) Revocation or suspension of a license or other right to practice clinical social work granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

....

13. The Committee may issue such a probated license pursuant to § 620.149.1,

RSMo, which states in relevant part:

1. Whenever a board within the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the board, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

TERMS AND CONDITIONS

Based on the foregoing, the license issued to Zuch is subject to the following terms and conditions:

1 License No. 2004007803 is hereby placed on PROBATION for a period of TWO YEARS ("the disciplinary period"). The disciplinary period shall begin from the effective date of this Order. During the disciplinary period, Zuch shall be entitled to engage in the practice of clinical social work provided she adheres to all of the terms of this Order. The terms of discipline shall be as follows:

I. REQUIREMENTS REGARDING TREATMENT PROGRAM

- A. Within 90 days of the effective date of this Order, Zuch shall undergo a thorough evaluation by a licensed mental health provider approved by the Committee. Zuch shall show this Order to the approved provider conducting the evaluation. Zuch shall accept and abide by all recommendations for treatment, care, and counseling as recommended by this approved provider. If the approved provider recommends care, counseling, and/or treatment with a mental health professional who is not part of the agency, clinic, or practice of the approved provider, Zuch shall provide the complete evaluation report with recommendations to the designated mental health professional. The approved provider conducting the evaluation shall forward a complete report of the evaluation to the Committee within ten days of completion of said

report. The report shall include a description of all tests performed, test results, findings, diagnoses, prognosis, and recommendations for treatment, including the mental health professional recommended for treatment of Zuch.

- B. Pursuant to this Order, Zuch is required to submit to care, counseling, and/or treatment, as recommended by the approved provider, and to abide by any and all practice restrictions recommended in connection with the approved provider's recommended treatment plan.
- C. Zuch shall follow all recommendations for treatment.
- D. Zuch shall furnish a copy of this Order to any mental health professional rendering treatment or evaluation pursuant to this Order.
- E. Zuch shall direct the designated treating professional to provide the Committee with follow-up reports on a quarterly basis, with the reports due by December 1, March 1, June 1, and September 1 each year during the disciplinary period. The follow-up reports shall detail Zuch's progress with treatment; Zuch's compliance with all treatment recommendations; any subsequent testing or evaluation performed since the last report; and any problems identified since the last reports, diagnoses, and prognosis. Zuch shall execute a medical or other appropriate release(s) authorizing the Committee to obtain information and records concerning Zuch's care, counseling, and/or treatment. Zuch shall take whatever steps are necessary to ensure that the

required release(s) remain in full force and effect until released from the terms of this Order by the Committee.

- F. If the treatment of Zuch is successfully completed during the disciplinary period, Zuch shall cause the treating professional to submit a letter of evaluation to the Committee stating that Zuch has successfully completed treatment. Such a letter shall include a statement that, to reasonable degree of certainty, the treatment professional has assessed that Zuch is no longer a threat to any patient or client. The letter shall also outline the recommendations and arrangements for appropriate follow-up or aftercare. Zuch shall follow all recommendations for follow-up or aftercare and shall document compliance with all such recommendations.

II GENERAL REQUIREMENTS

- A. During the disciplinary period, Zuch shall comply with all provisions of Chapters 337 RSMo; all the regulations of the Committee; and all state and federal criminal laws. "State" here includes all states and territories of the United States.
- B. During the disciplinary period, Zuch shall keep the Committee informed of Zuch's current work and home telephone numbers and addresses. Zuch shall notify the Committee in writing within ten days of any change in this information.

- C. During the disciplinary period, Zuch shall timely renew her license and timely pay all fees required for licensing and comply with all other Committee requirements necessary to maintain Zuch's license in a current and active state.
- D. During the disciplinary period, Zuch shall accept and comply with unannounced visits from the Committee's representatives to monitor her compliance with the terms and conditions of this Order.
- E. During the disciplinary period, Zuch shall appear in person for interviews with the Committee or its designee upon request.
- F. Periods of residency or the practice of social work outside Missouri will not apply to the reduction of the disciplinary period. Zuch shall notify, in writing, the social work licensing authorities of the jurisdiction in which she is residing or practicing, by no later than the day before the beginning of the disciplinary period, of Zuch's disciplinary status in Missouri. Zuch shall forward a copy of this written notice to the Committee contemporaneously with sending it to the relevant licensing authority. In the event Zuch should leave Missouri to reside or practice social work outside the state during the disciplinary period, Zuch shall notify the Committee in writing of the dates of departure and return no later than ten days before Zuch's departure. Furthermore, Zuch shall, no later than ten days after the commencement of any residence or practice outside this state, notify in writing the social work licensing authorities in the

jurisdiction in which Zuch is residing or practicing of Zuch's disciplinary status in Missouri.

G. Zuch shall notify, within 15 days of the effective date of this Order, all facilities where Zuch practices of Zuch's disciplinary status. Notification shall be in writing and Zuch shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Committee for verification by the Committee or its designated representative.

H. For purposes of this Order, unless otherwise specified in this Order, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Committee in this Order shall be forwarded to the State Committee for Social Workers, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, Missouri 65102.

2. The parties to this Order understand that the State Committee for Social Workers will maintain this Order as an open and public record of the Committee as provided in Chapters 610 and 620, RSMo.


3. In the event the Committee determines that Zuch has violated any term or condition of this Order, the Committee may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline Zuch.

4. No order shall be entered by the Committee pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before the Committee in accordance with the provisions of Chapter 536, RSMo.

5. If the Committee determines that Zuch has violated a term or condition of this Order, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Committee may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning that violation.

SO ORDERED EFFECTIVE THIS 22nd day of March, 2004.

STATE COMMITTEE FOR SOCIAL WORKERS



Vanessa Beauchamp
Executive Director